

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 02/40976

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K31/135

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 76956 A (AMERICAN HOME PROD) 21 December 2000 (2000-12-21)	1-4, 7, 9-17, 44-49
Y	claims  page 2, line 15,20,21 —	1-41, 44-49
X	WO 01 38293 A (AMERICAN HOME PROD) 31 May 2001 (2001-05-31)	1,5,7, 9-17, 44-49
Y	page 9, line 2,3,10-13  page 1, line 3 —	1-41, 44-49
X	WO 00 56310 A (KNOLL PHARMACEUTICAL COMPANY) 28 September 2000 (2000-09-28) claim 1  —	1,44-49
Y	—	1-41, 44-49
		—/—

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

2 April 2003

Date of mailing of the international search report

02/05/2003

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 10551 A (SEPRACOR INC) 2 March 2000 (2000-03-02) claims 1,2,30,31,44,45	1-17, 42-49
Y	page 10, line 23 -page 11, line 11 -----	1-41, 44-49
X	WO 00 15223 A (IYENGAR SMRITI ;LILLY CO ELI (US); GOLDSTEIN DAVID JOEL (US); SIMM) 23 March 2000 (2000-03-23) claims 1,4	5,7, 9-17,39, 44-49
Y	page 5, line 34 -page 6, line 2 page 7, line 11,16 page 8, line 27 - line 29 -----	1-41, 44-49
X	WO 96 12485 A (LILLY CO ELI) 2 May 1996 (1996-05-02)	1,2,5,6, 9-17,40, 44-49
Y	claim 1 -----	1-41, 44-49
Y	WO 01 26623 A (LAXDALE LTD) 19 April 2001 (2001-04-19) claims 1,3,12 -----	1-41, 44-49

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

Continuation of Box I.2

Present claims 1 - 26 and 31 - 49 relate to a compound defined by reference to a desirable characteristic or property, namely "norepinephrine serotonin reuptake inhibitor". The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to milnacipran, duloxetine, sibutramine and venlafaxine.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

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Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0076956	A	21-12-2000	AU WO	5613600 A 0076956 A2		02-01-2001 21-12-2000
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WO 0056310	A	28-09-2000	AU WO US	3895300 A 0056310 A1 6376551 B1		09-10-2000 28-09-2000 23-04-2002
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